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8 Attorneys for Third Party  
9 DOUGLAS DUNCAN

10 UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 SANTA CLARA VALLEY HOUSING  
13 GROUP, INC. and KRISTEN M. BOWES,

14 Plaintiffs,

15 v.

16 UNITED STATES OF AMERICA,

17 Defendant.

Case No.: 5:08-cv-05097 HRL

**STIPULATION AND [PROPOSED]  
ORDER EXTENDING DATE FOR  
THIRD PARTY DOUGLAS DUNCAN'S  
OPPOSITION TO MOTION TO  
COMPEL**

18 Pursuant to Civil Local Rules 6-2 and 7-12, plaintiffs Santa Clara Valley Housing  
19 Group, Inc. and Kristen M. Bowes ("plaintiffs"), defendant the United States of America  
20 ("defendant"), and third party deponent Douglas Duncan ("Mr. Duncan"), by and through their  
21 undersigned counsel, stipulate as follows and respectfully request that the Court enter the  
22 following Proposed Order:

23 WHEREAS plaintiffs have filed a Motion to Compel Third Party Douglas Duncan to  
24 Testify despite his assertion of the Fifth Amendment, which motion is presently scheduled for  
25 December 7, 2010;

26 WHEREAS, based upon the hearing date, Mr. Douglas' opposition to the Motion to  
27 Compel would be due on November 16, 2010;

1 WHEREAS on November 12, 2010, defendant filed a Non-Opposition and Response to  
2 Motion to Compel Testimony of Douglas Duncan;

3 WHEREAS, for the reasons stated in the accompanying Declaration of Stan Roman,  
4 counsel for Mr. Duncan believes that Mr. Duncan is entitled to additional time to file its  
5 opposition to address issues raised in defendant's Non-Opposition and Response;

6 WHEREAS plaintiffs, defendant and Mr. Duncan agree that Mr. Duncan should be  
7 permitted additional time, up to and including November 19, 2010, to file his opposition;

8 WHEREAS the requested extension of time will not alter the date for plaintiffs' reply or  
9 the hearing date for this matter.

10 Accordingly, IT IS HEREBY STIPULATED AND AGREED THAT, subject to  
11 approval of the Court, third party Douglas Duncan shall be permitted additional time, up to and  
12 including November 19, 2010, to file his opposition to plaintiff's Motion to Compel.

13 **IT IS SO STIPULATED.**  
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15 Dated: November 16, 2010

KRIEG, KELLER, SLOAN, REILLEY & ROMAN LLP

17 By:                     /s/                      
18 STAN G. ROMAN  
19 Attorneys for Third Party Douglas Duncan

20 Dated: November 16, 2010

HOCHMAN, SALKIN, RETTIG, TOSCHER, & PEREZ, P.C.

22 By:                     /s/                      
23 SHARYN M. FISK  
24 Attorneys for Plaintiffs  
25 Santa Clara Valley Housing Group, Inc. and  
26 Kristen M. Bowes  
27  
28

1 Dated: November 16, 2010

2 TRIAL ATTORNEYS, TAX DIVISION  
3 U.S. Department of Justice

4 By: \_\_\_\_\_/s/  
5 Henry C. Darmstadter  
6 Attorneys for Defendant  
7 The United States Government  
8  
9

10 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**  
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13 Dated: \_\_\_\_\_, 2010  
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15 \_\_\_\_\_  
16 Hon. Howard R. Lloyd  
17 United States Magistrate Judge  
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